

Report of Director of Planning and Regeneration

10 Brownlow Drive, Nottingham

1 Summary

Application No: 23/01413/PFUL3 for planning permission

Application by: Miss Julia Karoly on behalf of Mr Wetherell

Proposal: Single storey garage with workshop area

The application is brought to Committee because it has generated significant public interest relative to the scale of the proposal that is contrary to the recommendation

To meet the Council's Performance Targets this application should be determined by 24th January 2024.

2 Recommendations

2.1 **GRANT PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

3 Background

3.1 The property is a detached two storey dwelling located within a predominantly residential area fronting onto Brownlow Drive to the west.

3.2 The property shares boundaries with 12 Brownlow Drive to the north and 8 Brownlow Drive to the south. Directly to the east of the site is the public highway of Abbotsbury Close, a cul-de-sac with a vehicular turning circle positioned towards the rear boundary of the application site. Along Abbotsbury Close, to the north the properties are detached and two storeys in height, with the dwellings along the south single storey and detached. Part of the rear boundary of the application site adjoins the side boundary of 46 Abbotsbury Close set to the north-east.

4 Details of the proposal

4.1 Planning permission is sought for the erection of a detached garage and workshop at the rear of the property. The rear face of the building containing the garage door would face onto Abbotsbury Close to the east.

4.2 The building would have a footprint of 9.78m x 6.64m, a ridge height of 3.79m and an eaves height of 2.6m. In terms of the form of the proposed building, the roof over the garage would be hipped, with a mono-pitched roof over the workshop and walk-in cupboard/storage area.

- 4.3 Materials are proposed to match the brick and tile of the main house to all but the west facing elevation which faces the dwellinghouse, which is to be rendered.
- 4.4 The building is to be used for a garage and workshop. The applicant's agent has confirmed that there will be no business use of the workshop and the garage would be used for secure storage of their vehicle and equipment used in connection with the applicant's trade.
- 4.5 The applicant intends to use Abbotsbury Close, an unclassified road, to access the garage. Planning permission is not in itself required for the proposed access from an unclassified road, but the applicant would require a Section 184 license from the highway authority for the vehicular crossover.
- 4.6 It would appear that trees within the site curtilage, which were not subject to any protection, have been removed prior to the application being submitted.

5 Consultations and observations of other officers

- 5.1 The first notification period expired on 14.09.2023. Twelve household objections received raising the following concerns:
- (i) *Parking, access, and other highway safety issues*
- The property already has an internal garage which can be better utilised using the existing access and driveway from Brownlow Drive.
 - A new access and the development is unnecessary.
 - There's no means of legal access to the property from Abbotsbury Close.
 - The existing turning head to the front of the site on Abbotsbury Close will be restricted and the development could potentially impede road users who make use of the turning head, including emergency vehicles.
 - Granting the access will impede the existing access serving 46 Abbotsbury Close.
 - The access poses a risk to pedestrian and highway users.
 - Increase parking pressures on Abbotsbury Close which can be overcrowded and will lead to inconsiderate parking along the highway.
 - Will increase vehicular traffic along Abbotsbury Close.
- (ii) *Character and appearance within the streetscene*
- The building would be out of character with Abbotsbury Close, detrimental to the appearance of the cul-de-sac and streetscene.
 - The building with its width and scale would be out of scale and intrusive within its surroundings.
 - The building is disproportionate, too big in footprint, scale and height relative to the available garden space in the plot.
 - Would appear more appropriate on an industrial estate.
- (iii) *Residential amenity*
- Lights could be installed which would be a nuisance to residential occupiers.
 - Loss of residential amenity from traffic generation, parking pressures and noise disturbance.
 - The building would be imposing on 46 Abbotsbury Close, resulting in a loss of sunlight to the occupiers.
 - Air and noise pollution from the use.

- (iv) *Use of the building*
 - The building will be used for commercial/business purposes, with deliveries resulting in noise disturbances to residential occupiers.
 - The workshop will create a noise nuisance to neighbouring residential occupiers.
- (v) *Trees and Biodiversity*
 - Trees have previously been removed from within the site leading to a biodiversity habitat loss.
- (vi) *Other issues (not material planning considerations)*
 - Property values.
 - Construction traffic using Abbotsbury Close will be detrimental to residential amenity.
 - Business activity would be contrary to the deeds of the property.
 - The proposed development is contrary to rights of access, deeds and legal covenants.

5.2 After receipt of amended plans, a second consultation period was carried out which expired on 06.12.2023. Nine household objections received. The matters arising from the first consultation period were reemphasised with additional concerns raised of:

- The amendment does not alter the character of the development, represent a slight change, and are of insignificance to the development as a whole
- The redesign of the roof is less in keeping.
- The proposed garage given its height and siting would Impact the view, the property and outlook from the garden of 12 Brownlow Drive and other residents along Abbotsbury Close.

5.3 Technical consultee responses:

Highways: No objection, but the applicant will be required to apply for a Section 184 licence for the creation of a new vehicular crossover from Abbotsbury Close. The applicant must contact Highway Approvals team as per contact below. Applicant must also ensure no part of the development impinges into public highway (including garage door).

6 Relevant policies and guidance

National Planning Policy Framework (December 2023)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 131 notes that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategy (ACS) (Local Plan Part 1)

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Land And Planning Policies - Local Plan Part 2

Policy CC1: Sustainable Design and Construction - All development proposals (including changes of use) will be expected to maximise opportunities to incorporate sustainable design.

Policy DE1: Building Design and Use - Buildings must be designed to fulfil their function effectively, but consideration must also be given to the way they impact on the surrounding townscape, landscape and neighbouring properties. They must enhance the local environment, contributing to the vitality of areas and improve community safety.

Policy DE2: Context and Place Making - Development proposals should help to reinforce and enhance positive characteristics and create attractive new places.

Policy TR1: Parking and Travel Planning

7. Appraisal of proposed development

Main Issues:

i) Principle of the development

- ii) Design and impact on the streetscene
- iii) Impact on residential amenity
- iv) Highways and access
- v) Sustainability

Issue (i) Principle of the Development (Policy A of the ACS):

- 7.1 The application site is located within a primarily residential area. There is therefore no objection in principle to the proposal, provided that it complies with the other policies of the development plan.

Issue (ii) Design and Impact on the Streetscene (Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP):

- 7.2 The proposed building would be prominent from along Abbotsbury Close given its sitting on the end of the cul-de-sac. Properties along Brownlow Drive and the north side of Abbotsbury Close are two storeys in height. The proposed building would be single storey and when viewed from Abbotsbury Close would be seen within this context, against the backdrop of the two storey dwellings along Brownlow Drive. The height, design and scale of the building are appropriate for a domestic garage and would not appear out of character in a residential setting.
- 7.3 The proposed materials comprising brick and render with roof tiles all to match the host dwelling, are considered to be an appropriate response to the site context.
- 7.4 The proposal therefore complies with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

Issue (iii) Impact on residential amenity (Policy 10 of the ACS and Policy DE1 of the LAPP):

- 7.5 The scale and proposed use of the building are considered to be domestic in character. The proposed building would be positioned to the rear of the plot and of modest height. The roof form has been altered with the amended plans which has further reduced the overall massing of the proposed building.
- 7.6 The roof form to the north boundary closest to 12 Brownlow Drive would be mono-pitched and shallow in height, which would not present an overbearance or inappropriate loss of light to the occupiers of this property.
- 7.7 8 Brownlow Drive is positioned to the south. The proposed building, taking into account its positioning within the site and its height, would not present an overbearance or loss of light to the occupiers of this property.
- 7.8 The building would sit at an oblique angle in relation to the front of closest properties each side of Abbotsbury Close.
- 7.9 There would remain a reasonable amount of outdoor amenity space in relation to the host dwelling.
- 7.10 Although it has been suggested that the garage would house a vehicle and equipment used for work purposes by the applicant, this is a common occurrence and does not constitute a business use operating from the property.

- 7.11 Having regard to the design, scale, location of and outlook from the proposed development, and the relationship with the site boundaries, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.
- 7.12 No external lighting is proposed and not subject to consideration within this proposal.
- 7.13 The proposal therefore complies with Policy 10 of the ACS and Policy DE1 of the LAPP.

Issue (iv) Highways and access (Policy TR1 of the LAPP)

- 7.14 Highways have no objection to the proposal. Any proposed access would not require planning permission given Abbotsbury Close is an unclassified highway. The applicant would however have to apply to the Council as highway authority with regard to the vehicular crossover, which can be drawn to their attention by way of an informative.
- 7.15 All proposed parking in relation to the development and the site is set off the public highway. There would be an increase in vehicular movement along Abbotsbury Close tantamount to a single dwelling, which does not present grounds for a refusal on this basis.
- 7.16 The proposed uses of the building are considered to appropriate to and reasonable in scale for an outbuilding/garage associated with a dwellinghouse. It is not considered that they would present a significant degree of disturbance to neighbouring residential occupiers through vehicular movements.
- 7.17 The proposal is considered to be acceptable with regard to highways, parking and access in accord with policy TR1 of the LAPP.

Issue (v) Trees, Biodiversity and Sustainability (Policy 1 of the ACS and Policy CC1 of the LAPP)

- 7.18 Trees have been previously removed from the site which were not subject to protection. Whilst the loss of trees is unfortunate, planning consent would not have been required for their removal.
- 7.19 Whilst no specific features have been highlighted in the planning application, the proposal would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. As an outbuilding to an existing dwelling it is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.

8 Financial Implications

None.

9 Legal Implications

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

10 Equality and Diversity Implications

None.

11 Risk Management Issues

None.

12 Strategic Priorities

None.

13 Crime and Disorder Act implications

None.

14 Value for money

None.

15 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 23/01413/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZD7ROLYKX700>

16 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

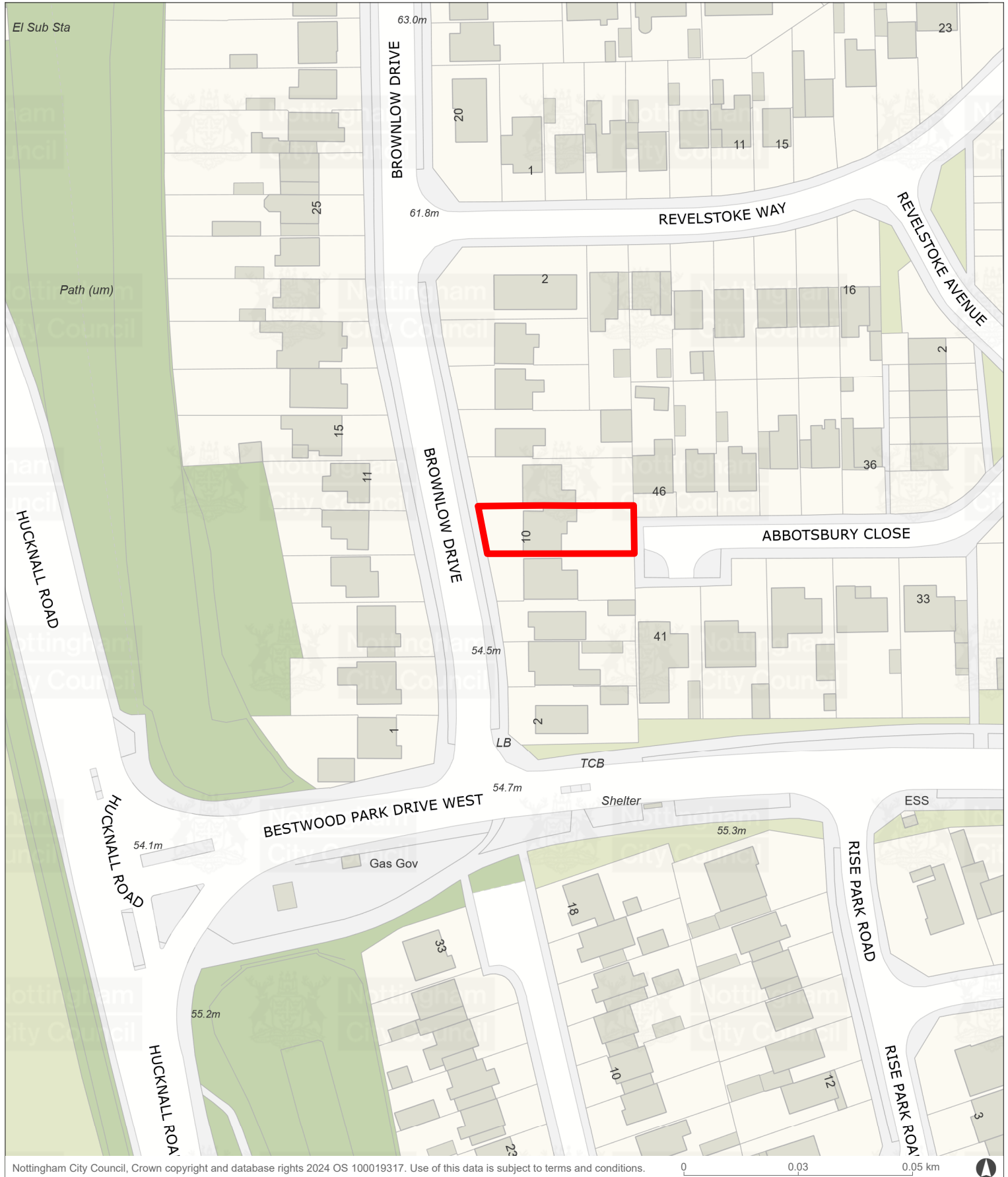
NPPF (December 2023)

Contact Officer:

Mr Thomas Leech, Case Officer, Development Management.

Email: thomas.leech@nottinghamcity.gov.uk. Telephone: 0115 876 3968

Nomad printed map



Nottingham City Council, Crown copyright and database rights 2024 OS 100019317. Use of this data is subject to terms and conditions.

0 0.03 0.05 km

Key
 City Boundary

Printed map generated by a Nomad user on 09/01/2024. This map is not suitable for publishing, for high quality maps please contact gl@nottinghamcity.gov.uk.

Description
A map printed from Nomad.

My Ref: 23/01413/PFUL3 (PP-12370203)
Your Ref:
Contact: Mr Thomas Leech
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Miss Julia Karoly
20 Wembley Gardens
Nottingham
NG9 3FE
United Kingdom

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 23/01413/PFUL3 (PP-12370203)
Application by: Mr Wetherell
Location: 10 Brownlow Drive, Nottingham, Nottingham City
Proposal: Single storey garage with workshop area

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

There are no conditions in this section.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

2. Unless the Local Planning Authority has otherwise agreed in writing to the use of alternative materials, the walls and roof of the garage hereby permitted shall be constructed of bricks, render and roof tiles of a colour, size, texture and pattern/bond to match those used in the dwelling.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ¹ ONLY
Not for issue

Continued...

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference A102 revision G, received 21 November 2023
Location Plan reference A106, received 17 August 2023
Drawing reference A103 revision E, received 6 November 2023
Drawing reference A101 revision D, received 6 November 2023
Drawing reference A105 revision F, received 6 November 2023

Reason: To determine the scope of this permission.

Informatives

1. HIGHWAY LICENCES

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences will be required. Please contact them via HighwayApprovals@nottinghamcity.gov.uk or 0115 8765293. All costs shall be borne by the applicant.

2. NOTE TO APPLICANT:

- Any modifications required in public highway are subject to TECHNICAL APPROVAL as part of a SECTION 278 AGREEMENT which is a separate legal process to the planning process.
- ALL associated costs are to be met by the Applicant.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ² ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 23/01413/PFUL3 (PP-12370203)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Planning Inspectorate website at <https://www.gov.uk/appeal-householder-planning-decision>.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible, quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue